



INMATE HEARING RECORD

(Hearing Officer Decision)

Name: Barnes, Kevin #: 238-776 Date of Violation: 1-12-02HEARING OFFICER DECISION: ☐ Dismissed ☐ Incident Report. Rule: _____☐ Informal Disposition. Sanction: _____Not Guilty of: _____ Guilty of: 102

Reason for Decision (state evidence weighed and findings): _____

H/O accepts report of Lt. Ward, photos of victim showing clear injuries, written statement of victim as well as his testimony and matter of record of C/O Schaufort to fully support the above rule violation. Testimony of inmate Queen was especially compelling and Queen did have obvious injuries which tended to corroborate his allegations. Defense offered by subject in no way made H/O doubt the validity of the charges by Queen. His witnesses likewise were unpersuasive. H/O finds subject did in fact assault inmate Queen as reports indicate and ergo violate the above rule.

SANCTIONS IMPOSED: Matrix Adjustment History: Good Effective Date: 1/12/02

Rule	Category	Seg. Days	CR Days	CC/CS	Revoke GCC
<u>102</u>	<u>I</u>	<u>90</u>	<u>X</u>		<u>X</u>

SEG = Segregation CR = Cell Restriction CC = Concurrent CS = Consecutive GCC = Good Conduct Credits

☐ Override: Reasons: _____☐ Other Sanctions: _____

HEARING OFFICER OF RECORD:

Date: 1/16/02Print Name and Sign: Sandstrom

EXHIBIT

tabbles

4



DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

NOTICE OF INMATE RULE VIOLATION AND DISCIPLINARY HEARING

Inmate Name: BARNES, KEVIN ID#: 238-776 Institution: ECI Housing: 4A-15B
Date of Violation: 01/12/02 Time of Violation: 2:45 XXVPM
Reported facts: ON 01/13/02 I LT.WARD INTERVIEWED INMATE QUEEN, DARIUS # 305-161 ABOUT AN ALTERCATION THAT OCCURRED ON 1/12/02 IN THE REC HALL ON 'C' TIER IN HU#1. INMATE QUEEN STATED THAT HE WAS PLAYING CARDS IN THE UPPER REC. HALL WITH SEVERAL FRIENDS. HE THEN STATED THAT INMATE BARNES, KEVIN # 238-776 WALKED UP ON HIM AND PUNCHED HIM IN THE FACE. HE ALSO SAID THAT INMATE BARNES HAD A SILVER OBJECT IN THE HAND HE PUNCHED HIM WITH. THEN HE STATED THAT HE GOT UP FROM THE TABLE WHEN INMATE JENKINS, JOHN # 290-869 WALKED UP AND HIT ME IN THE SIDE OF THE HEAD AND WALKED OFF. THEN HE STAD THAT INMATE COLLINS, EYON # 289-558 HIT ME IN THE HEAD AND WALKED AWAY. HE STATED I WENT DOWN TO THE LOWER REC HALL AND WASHED OFF AND ASKED OFC. PEDERSON TO LOCK IN. OFC. PEDERSON THEN ASKED ME WHAT HAD HAPPENED TO ME AND I TOLD HIM THAT I HAD FALLEN IN THE SHOWER, THEN I TOLD HIM WHAT HAD HAPPENED WITH THE OTHER INMATES. INMATES BARNES AND JENKINS WERE I.D WHILE ON THE TIER AND INMATE COLLINS WAS I.D. BY HIS DOC ID CARD. INMATE BARNES WAS POSITIVELY IDENTIFIED BY HIS DOC ID CARD.

Recommended charges: 102

I solemnly affirm under the penalties of perjury and upon personal knowledge that the facts set forth in the above report are true.

Reporting Person: D. Ward Lt. H. D. Ward 1/13/02
Print Name and Title Signature Date

Supervisory Review: I have reviewed the report above and take the following action:

1. Rule Violation(s) Charged (see the reverse of this form): 1022. Action Taken: ☒ Administrative Segregation ☒ Formal Hearing ☐ Incident Report ☐ Informal Disposition (state below)Comments: Inmates Actions Warranted Formal HearingReviewing Person: M. Howe, Captain [Signature] 1-13-02
Print Name and Title Signature Date

Informal Disposition Service: If "Informal Disposition" is checked above, your signature below indicates the acceptance of the sanction offered.

Inmate's Signature: N ID#: A Date: _____

Formal Hearing Service:

1. **24 hour notice:** Prior to hearing, you are entitled to 24 hours from the time of receipt of this notice to prepare a defense and upon appearance before the hearing officer, a failure to notify the hearing officer shall be deemed a waiver of right.
2. **Representation:** You may be permitted to have representation by an inmate in the general population of this institution if you indicate their name. A failure to list your representative by name shall be deemed a waiver of the right to have representation.

Name of Representative: ROLAND JETER 1A-1

3. **Witnesses:** You may be permitted to call witnesses if you indicate their name(s). Such witness(es) may include the reporting person. A failure to list your witnesses by name shall be deemed a waiver of the right to call witnesses.

Name(s) of Witness(es): CRAWFORD TERRANCE 1CA1GREEN, GLENN 1C36Inmate's Signature: Kevin Barnes ID#: 238-776 Date: 1/13/02
Notice Served By: J. Montoye (Lt.) [Signature] 1/13/02 3:29
Print Name and Title Signature Date Time☐ Inmate Refused to sign for copy☒ Inmate ID checked☒ Copy of Notice given to inmate

Appeal: You may appeal any guilty finding and/or sanction imposed within 3 calendar days of your hearing in writing to the warden.

Distribution: White Copy - Base File

Yellow Copy - Inmate

Pink Copy - Institution

P/N OBSCIS OFFENDER FUNCTION
MAINTAIN INFRACTIONS DATA

PAGE: 1
DATE: 01/13/02
TIME: 16:19

DOC #: 238776 BARNES

KEVIN

LEON

ACTION :
INFRACTION DATE/TIME: 06 27 2001 / 20 07 INMATE SERVED: 06 28 2001 / 19 20
INSTITUTION : ECI EASTERN CORR IN SCHEDULED HEARING: 06 29 2001
RULES CHARGED : 405

ENTERED BY: JOYNER P
INFORMAL DISPOSITION: OFFERED ACCEPTED BY INMATE WITNESS REQUESTED
HEARING DATE/TIME : /
DISPOSITION : GUILTY NOT GUILTY DISMISSED REDUCE TO INCIDENT
GUILTY OF RULES :

ENTERED BY:
SANCTION IMPOSED : SEG 0020 DAYS FR 07 05 2001 RELEASE DATE 07 24 2001
CELL REST/SEG FLAG : C COMMENTS: PER LT GALLAGHER

DIM REVOKED GCC 0000 DAYS SPC DAYS HO NAME:
WARDENS ACTION : AFFIRMED REDUCED NEW PROC ORDERED DATE
DATE ENTERED : 07/06/01 ENTERED BY: REDDEN C
EXPUNGED : DATE COMMENT:

* INMATE HAS +1765 GCC AND +237 SPC AVAILABLE **(+2002)**

NAME: Darius F Queen DOC NUMBER: 305-181
DATE OF STATEMENT: 1-12-02
TIME OF STATEMENT: 3:00pm
STATEMENT: I WAS seting playing CARDS when
I WAS hit to side of my face. I got up AND
tried to defend myself but there were two other guys
also. THE one that hit me to the face had somekind
of wapen in his hands. The othe two guys hit me also
AS I WAS trying to walk away. my celly was the
one who hit me while I WAS seting down.

THE ABOVE STATEMENT WAS GIVEN VOLUNTARILY, AND IS TRUE AND CORRECT TO
THE BEST OF MY KNOWLEDGE AND BELIEF

Darius F Queen 1-12-02
INMATE'S SIGNATURE DATE:

Sgt. R. Johnson
WITNESS
Off. K. Wright
WITNESS

EASTERN CORRECTIONAL INSTITUTION
NOTICE OF INCIDENT/MATTER OF RECORD (Circle One)TIME: 1820 A.M./P.M.DATE: 1/12/02SECTION OR AREA OF INSTITUTION WHERE OCCURRED: H/W 1CONTRABAND DISCOVERY/SEIZURE: NAIF SO, DISPOSITION OF THE CONTRABAND: NA

FACTS:

1500. Dues, James 305181 escorted to dispensary
via custody following alleged 10/10. Jm was assessed
& treated for injuries sustain during altercation.
Jm was medically cleared to return to housing unit.
Respectfully Submitted. ————— Chmettr

SHIFT: 7-3REPORTING OFFICER: Chmettr

signature

POST: West dispensarySUPERVISOR: H D WA

signature

DATE: 1/12/02

ACTION TAKEN: _____

EASTERN CORRECTIONAL INSTITUTION
NOTICE OF INCIDENT (MATTER OF RECORD) (Circle One)

TIME: 2:45 approx A.M. (P.M.)DATE: 1/12/02SECTION OR AREA OF INSTITUTION WHERE OCCURRED: H01 CTierCONTRABAND DISCOVERY / SEIZURE: n/aIF SO, DISPOSITION OF THE CONTRABAND: n/a

FACTS: On 1/12/02 at approximately 2:45 PM I observed ofc. Pedersen at his slider with inmate Queen, Davis #305-181. Ofc. Pedersen advised me of a possible fight on C tier in the dayroom. I then observed inmate Queen with blood coming from his upper lip. Ofc. Pedersen said inmate Queen said he fell in the shower. Ofc. Pedersen escorted inmate Queen to his cell to change so he could escort him to medical. I exited the control center and went to C-38 where inmate Queen resides. I then asked inmate Queen who did this and he advised me his cell buddy Barney Kevin #238-776 reached across the table and cut him with a knife-like object. While escorted him off the tier he advised me there were several others involved. As we passed the dayroom inmate Queen looked in the dayroom and advised me that two inmates standing in the upper dayroom with red shirts were also involved. I asked him if it was the two inmates standing together and he advised me "yes". The two inmates he referred to were Jones, Eric #234-984 KID and Jenkins, John #290-869. I then asked inmate Queen if he was sure and he stated to me "yes"

E. Schaubert

SHIFT: 8-4 REPORTING OFFICER: E. Schaubert POST: H01SUPERVISOR: W.D. W.A. DATE: 1/12/02

Signature

Signature

ACTION TAKEN: _____

Maryland Division of Correction
INMATE HEARING RECORDName: Barnes, Kevin #: 238-776 Date of Violation: 1-12-02

I. PRELIMINARY MATTERS

Date of Appearance: 1/16/02 Time: 10:30 AM/PM☐ Inmate refused to appear. See attached waiver. ☐ Postponement. See reverse for explanation.Inmate Representation: ☐ No ☒ Yes Name: Roland Juba☐ Denied. Reason: _____Inmate Witnesses: ☐ No ☒ Yes Name(s) Glean Green, Eric Jones
Darius Duce☐ Denied. Reason: Rep/ We only need Green as a
witness & JonesPlea: ☒ Not Guilty ☐ No Plea ☐ Guilty

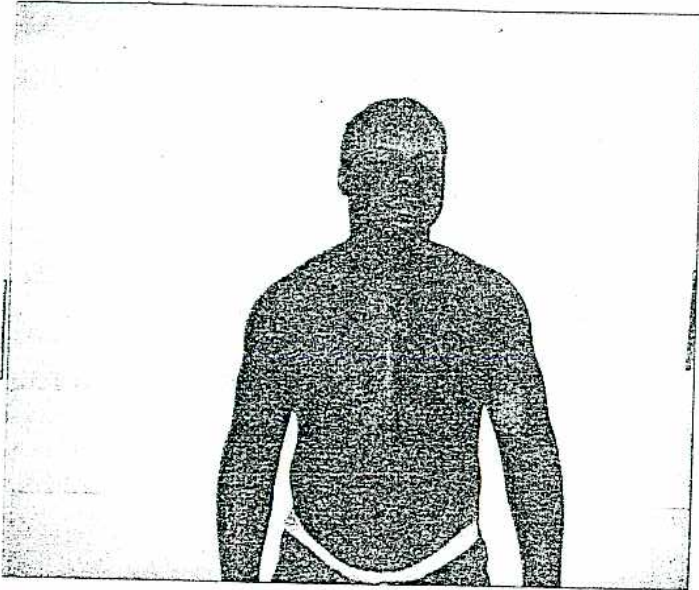
II. EVIDENTIARY MATTERS

Hearing Date: 1/16/02

Institutional Presentation (List): _____

NOE (Ward)
Written statement of Duce
MOR (Schafer)
photos

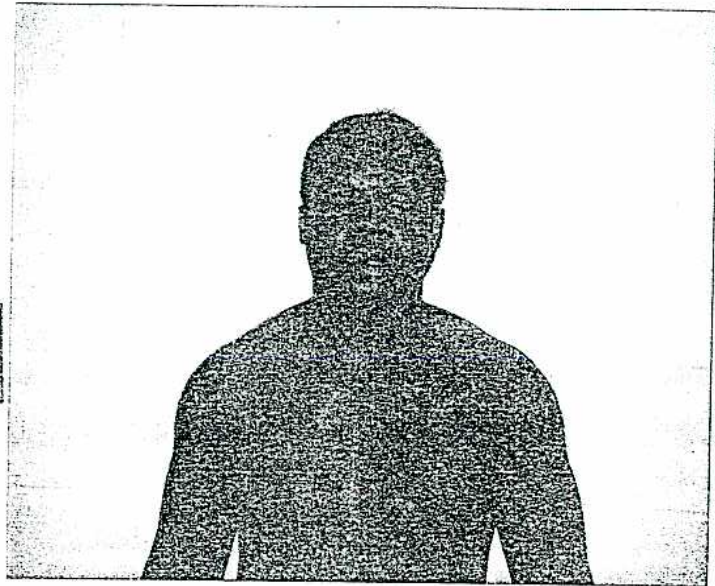
(See reverse for continuation of hearing record)



1-12-02

Queen Darius 305 181

1C-38

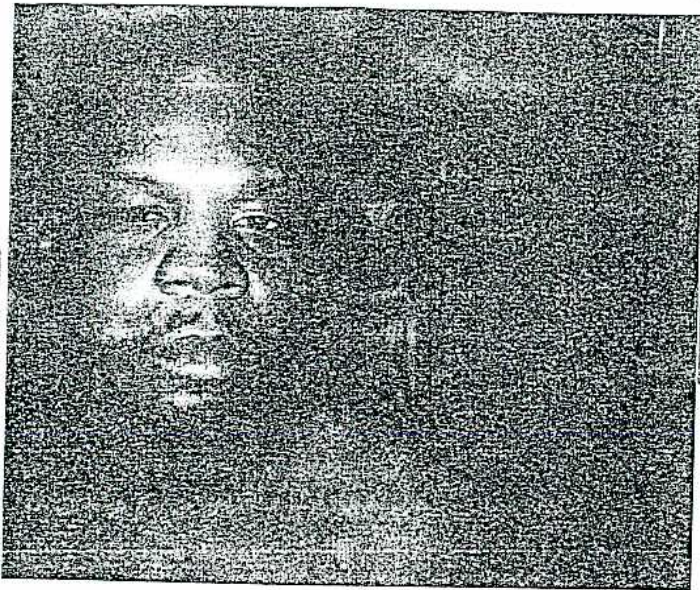


1-12-02

Queen Darius 305 181

1C-38

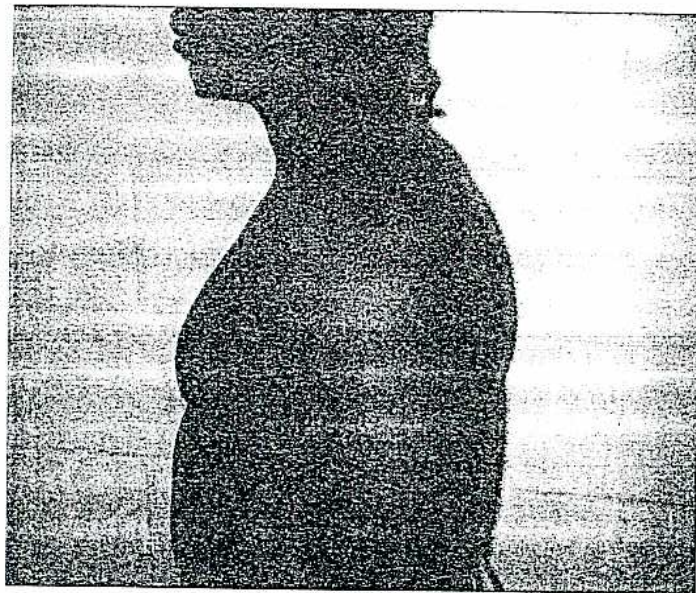
Queen, Darius #305-181
1C-38 1/12/02
Lt. Lowe



1-12-02
Queen Darius - 305181
1-C-38



1-12-02
Queen Darius 305181
1-C-38



1-12-02
Queen Darius 305-181
1C38

Queen, Darius # 305-181
1-C-38 11/12/02
14 Howe



Maryland Division of Correction

Review by Warden

4A-15B

Inmate Name: BARNES, KEVIN DOC #: 238-776 Date of Violation: 1-12-02
Rule Violations: 102 Guilty rec'd 90 days seg from

I. Warden's Review:

I have reviewed the attached hearing officer's decision and I have taken the following action:

☒ Affirm the hearing officer's decision and sanctions.

☐ The sanction(s) are modified (see section II).

Remand:

☐ for clarification of the record (see section II).

☐ by order of the Commissioner, Secretary of Public Safety, or Court (see sections II and IV).

☐ for a new hearing (see sections II and IV).

[Signature]
Warden's Signature

1/21/02
Date

II. Comments:

III. Receipt of Warden's Review:

Inmate's Signature: [Signature] Date: 1-22-02

Served by: [Signature] Title: COA Date: 1-22-02 Time: 758 AM/PM

IV. Request for Inmate Representation and Witnesses for Remanded Hearing:

Prior to a hearing, you are entitled to 24 hours from time of receipt of this notice to prepare a defense. You may be permitted to have representation by an inmate in general population of this institution and call witnesses at the hearing if you request them below. Such witnesses may include the reporting person. Failure to request representation or witnesses below at the time of service will be deemed a waiver of the right to representation or witnesses. You may appeal any guilty finding and/or sanction to the warden within 3 days of your hearing.

Representative: _____

Witnesses: _____